

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA

v.

KEVIN ALFRED STROM

Defendant.

CASE NO. 3:07-cr-00001-1

ORDER

JUDGE NORMAN K. MOON

Defendant has written a letter requesting that I appoint him counsel (docket no. 104) so that he may be assisted in petitioning the Court to modify the term of his supervised release. I will construe Defendant's letter as a *pro se* motion to appoint counsel.

It is well established that "a criminal defendant has no right to counsel beyond his first appeal." *Coleman v. Thompson*, 501 U.S. 722, 756 (1991); *see also United States v. Legree*, 205 F.3d 724, 730 (4th Cir. 2000) ("[A]s a general matter . . . there is no right to . . . assistance of counsel on a motion for reduction of sentence."). While Federal Rule of Criminal Procedure 32.1(c)(1) does provide that, "before modifying the conditions of . . . supervised release, the court must hold a hearing, at which the person has the right to counsel," the rule's assurance of counsel applies only where the Court holds a supervised release termination hearing. *See Fed. R. Crim. P. 31.2(c)(1)*; *see also United States v. Nonahal*, 338 F.3d 668, 671 (7th Cir. 2003) (Rule 32.1(c) does "not compel the court to hold a hearing before refusing a request for modification.").

Because I have not decided at this time to modify Defendant's supervised release, and because no hearing regarding a modification of Defendant's supervised release is scheduled, Defendant's motion to appoint counsel is **DENIED**.

It is so **ORDERED**.

The Clerk of the Court is hereby directed to send a certified copy of this order to Defendant and all counsel of record.

Entered this 12th day of January, 2016.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE